

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GIBSON, INC.,	§	
	§	
<i>Plaintiff/Counterclaim-Defendant,</i>	§	
v.	§	
	§	
ARMADILLO DISTRIBUTION	§	Civil Action No. 4:19-CV-358
ENTERPRISES, INC.; CONCORDIA	§	Judge Mazzant
INVESTMENT PARTNERS, LLC,	§	
	§	
<i>Defendants/Counterclaim-Plaintiffs,</i>	§	
	§	
DOES 1 through 10,	§	
	§	
<i>Defendants.</i>	§	

ORDER

The Court, *sua sponte*, enters this Order to clarify its Order entered on March 5, 2025 (Dkt. #723). All exhibits admitted by the Court during the first trial are conditionally admitted, with the exception of Defendants' exhibits from the Wayback Machine and Vintaxe. This ruling on conditional admittance does not suggest that the exhibits cannot come into the evidence during trial. Rather the exhibits may come in provided their admittance satisfies the Federal Rule of Evidence. Further, as the Court indicated at the Pre-Trial Conference, expert testimony using the Wayback Machine and Vintaxe exhibits is possible. *See* FED. R. EVID. 703; *cf. United States v. Posada-Rios*, 158 F.3d 832, 869 (5th Cir. 1998) ("This court has held that the use of a chart as a demonstrative aid to summarize the evidence is permissible as long as the court gives the jury appropriate limiting instructions.").

IT IS SO ORDERED.

SIGNED this 7th day of March, 2025.

A handwritten signature in black ink, reading "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE